

FILED

OCT 20 2010

EUGENE R. WEDOFF,
BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

ROBERT J. AYLSWORTH,

Debtor.

Case No. 09 B 14405

Chapter 7

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING TO DLA
PIPER LLP (US), COUNSEL TO TRUSTEE, FOR ALLOWANCE AND PAYMENT OF FIRST AND
FINAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

TOTAL FEES REQUESTED: **\$11,380.50**
TOTAL FEES REDUCED: **\$604.00**
TOTAL FEES ALLOWED: **\$10,776.50**

TOTAL COSTS REQUESTED: **\$82.35**
TOTAL COSTS REDUCED: **\$0.00**
TOTAL COSTS ALLOWED: **\$82.35**


TOTAL FEES AND COSTS ALLOWED: \$10,858.85

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the left of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(4) Insufficient Description

The Court denies the allowance of compensation for the following task since the description of the time entry fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr. N.D. Ill. 1987) ("A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable."); *In re Wildman*, 72 B.R. 700, 708-9 (Bankr. N.D. Ill. 1987) (same).

Dated: October 20, 2010


Eugene R. Wedoff
United States Bankruptcy Judge



P. Martino
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Alysworth, Robert J. and Danyelle, Philip V. Martino
as Trustee

August 31, 2010

Matter # 371633-000003
Invoice # 2481797

<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>		<u>Hours</u>
09/04/09	Correspondence regarding upcoming hearing on sale motion.	Irving, James R.	(A) -\$65	0.20
09/08/09	Review docket and upcoming hearing, correspondence with P. Martino regarding the same.	Irving, James R.		0.10
09/09/09	Correspondence with P. Martino regarding hearing and check docket for next hearing date.	Irving, James R.		0.10
09/15/09	Prepare for and attend hearing in Aylsworth (1.6); correspondence regarding the same with P. Martino (.2).	Irving, James R.		1.80
09/16/09	Correspondence with J. Swoka and K. Bazanos re: master settlement agreement.	Irving, James R.		0.20
09/22/09	Correspondence with J. Swoka and K. Bazanos regarding upcoming hearing date.	Irving, James R.		0.10
09/24/09	Prepare for and attend status hearing (1.2).	Irving, James R.		1.20
11/03/09	Conference with T. McVey proposed special litigation counsel regarding case status and plans for state court action and adversary.	Irving, James R.		0.30
11/10/09	Correspondence regarding production of documents by debtor and need for affidavit.	Irving, James R.	(A) -\$97.5	0.30
11/10/09	E-mail to Debtor's counsel following up on document request and from buyer regarding same (.2).	Martino, Philip V.		0.00
11/12/09	Correspondence regarding adversary case and need to retain special litigation counsel; correspondence regarding production of documents.	Irving, James R.		0.20
11/12/09	Review document production (.2); e-mail to/from Debtor's counsel regarding redacted asset documents (.2).	Martino, Philip V.		0.40
11/13/09	Review Jet Living and Tri Worth (limited) tax returns and financial statements (.5); follow up e-mail to Bazanos regarding missing documents needed by prospective buyer (.1).	Martino, Philip V.		0.60
11/30/09	Calls to/from and conference with John Alysworth and CFO regarding financial data, partnership agreements and related matters.	Martino, Philip V.		0.50
12/08/09	Review and revise stay/abstention/suspension motion (.5); e-mails to/from special counsel regarding same, jurisdiction and related issues (.2).	Martino, Philip V.		0.70



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as Trustee

August 31, 2010

Matter # 371633-000003

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<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>	<u>Hours</u>
12/17/09	Review and respond to e-mails regarding agreed confidentiality order and production of financial documents to prospective purchaser.	Martino, Philip V.	0.20
		④ - \$133	
12/28/09	Review docket; correspondence with P. Martino regarding hearing on 12/29 and about case status.	Irving, James R.	0.20
01/12/10	Conference with T. McVey regarding hearing on January 13 to have issues litigated in state court.	Irving, James R.	0.60
01/13/10	Prepare for and attend hearing on motion to have issues litigated in state court; conference and correspondence with P. Martino regarding the same.	Irving, James R.	1.00
01/28/10	Correspondence with T. Mcvey regarding outcome in state court hearing and upcoming hearing.	Irving, James R.	0.20
02/03/10	Prepare for and attend hearing on Lift Stay Motion and Motion to Abstain from litigating Jobplex claim in bankruptcy court (1.3); conference with Horseshoe casino regarding potential preference and request for production of documents (.2); draft subpoena and rider (.7); correspondence with P. Martino and P. Brennan regarding subpoena and hearing (.2).	Irving, James R.	2.40
04/30/10	Conference with J. Swoka regarding potential settlement.	Irving, James R.	0.20
05/03/10	Correspondence with P. Martino regarding settlement of Alysworth adversary case.	Irving, James R.	0.20
Total Hours			18.10
Total Fees			\$7,473.50

Timekeeper Summary

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Martino, Philip V.	Partner	3.80	665.00	2,527.00
Irving, James R.	Associate	4.60	390.00	1,794.00
Irving, James R.	Associate	9.70	325.00	3,152.50



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as Trustee

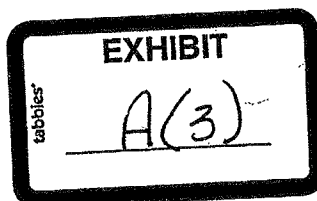
August 31, 2010

Matter # 371633-000020
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Matter: General

Fees:

<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>	<u>Hours</u>
07/21/09	Correspondence with Mr. P. Martino regarding insurance, tax refund, sale cause of action.	Irving, James R.	0.20
08/20/09	Review documents from attorney Bazanos regarding claimed exemption for class action suit (.4); e-mails to/from counsel regarding same (.2); conference with Bazanos regarding same (.2).	Martino, Philip V.	0.60
08/26/09	Review docket of Alysworth case to check or amended schedules.	Irving, James R.	0.10
08/27/09	Correspondence with P. Martino regarding need to file motion to extend time to object to Debtor's claimed exemptions.	Irving, James R.	0.20
09/01/09	Review and respond to emails regarding motion to extend time to object to exemptions (.2).	Martino, Philip V. (4) - \$133	0.20
09/24/09	Conference and correspondence with P. Martino, K. Bazanos and J. Swoka regarding sale motion and retention of special litigation counsel (.5).	Irving, James R.	0.50
10/13/09	Conference and correspondence regarding upcoming hearing on motion to extend time to object.	Irving, James R. (4) - \$65	0.20
10/14/09	Correspondence regarding motion to extend time to object.	Irving, James R. (4) - \$32.5	0.10
10/27/09	Review case docket.	Irving, James R.	0.10
01/04/10	Correspondence with P. Martino regarding casino issue and potential preferential payment; draft, revise and mail letter demanding informal discovery.	Irving, James R.	1.00
01/04/10	E-mails to/from Debtor's counsel regarding possible preference; documents needed.	Martino, Philip V.	0.20
02/04/10	Revise and serve subpoena on Horseshoe Casino to investigate potentially preferential payment (.5); correspondence with P. Martino regarding the same (.1).	Irving, James R.	0.60
02/04/10	Review and revise subpoena to Horseshoe Casino regarding preference documents (.2); e-mails to/from Irving regarding	Martino, Philip V.	0.30





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<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>	<u>Hours</u>
	same and service (.1).		
02/17/10	Correspondence relating to potential preference involving Horseshoe casino.	Irving, James R. (4) - \$ 78	0.20
03/24/10	Conference with P. Martino regarding lift stay motion (.3); conference with movant regarding the trustee's position (.2).	Irving, James R.	0.50
04/06/10	Review information regarding upcoming hearing; correspondence regarding the same with P. Martino.	Irving, James R.	0.20
Total Hours			5.20
Total Fees			\$2,307.00

Timekeeper Summary

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Martino, Philip V.	Partner	0.50	690.00	345.00
Martino, Philip V.	Partner	0.80	665.00	532.00
Irving, James R.	Associate	2.50	390.00	975.00
Irving, James R.	Associate	1.40	325.00	455.00
Totals		5.20		2,307.00

Total Current Charges \$ 2,307.00